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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

UNITED STATES OF AMERICA  
upon the relation and for the use of the  
TENNESSEE VALLEY AUTHORITY,  
Plaintiff,

v.

No. 3:20-cv-728-DPJ-FKB

AN EASEMENT AND RIGHT-OF-WAY  
OVER 5.45 ACRES OF LAND, MORE  
OR LESS, IN RANKIN COUNTY,  
MISSISSIPPI, and  
XLI, LLC,  
a Mississippi limited liability company,  
COPIAH BANK,  
DAVID RINGER, trustee,  
Defendants.

**COMPLAINT**

1. This is an action of a civil nature brought by the United States of America upon the relation and for the use of the Tennessee Valley Authority for the taking of property under the power of eminent domain and for the ascertainment and award of just compensation to the owners and parties in interest.

2. The authority for the taking is the Tennessee Valley Authority Act of 1933, *as amended*, 16 U.S.C. §§ 831 et seq.

3. The public use for which the property is taken is the erection, operation, and maintenance of electric power transmission circuits and communication circuits.

4. The property interest to be acquired is a permanent easement and right-of-way.

5. The easement and right-of-way herein condemned is described in Attachment 1 hereto and made a part hereof.

6. The persons known to the Plaintiff to have or who may claim an interest in said property are as follows:

a. XLI, LLC, a Mississippi limited liability company, owns property in fee simple by virtue of a deed recorded in Deed Book 2019, page 6689, in the office of the Chancery Court Clerk of Rankin County, Mississippi.

b. Copiah Bank is the current holder of a lien on said property in the amount of \$577,680 by virtue of a Deed of Trust recorded in said Register's office in Deed of Trust Book 3019, page 23862, in said register's office.

c. David Ringer is designated trustee in said Deed of Trust.

d. County, City, and School taxes for 2019 and 2020 are liens on said property.

7. A Declaration of Taking is being filed contemporaneously herewith.

WHEREFORE, the Plaintiff demands that:

(1) An Order be issued putting the Tennessee Valley Authority as agent of the United States of America into immediate possession of the property condemned.

(2) Just compensation for the property taken be ascertained in accordance with Rule 71.1(h) of the Federal Rules of Civil Procedure.

(3) A Judgment be entered confirming the vesting of title to the interests sought to be condemned in the United States of America by virtue of the Declaration of Taking filed herewith.

(4) The Plaintiff have such other relief as may be lawful and proper.

Respectfully submitted,

*s/Michael V. Bernier*

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Michael V. Bernier (MS BAR 103960)  
James S. Chase (TN BPR #020578)  
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400 West Summit Hill Drive  
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Attorneys for Plaintiff

101932477

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

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COPIAH BANK,  
DAVID RINGER, trustee,  
Defendants.

**NOTICE OF FILING OF DECLARATION OF TAKING**

**COMES NOW**, the Tennessee Valley Authority, the authority empowered by law to acquire in the name of the United States of America the property described in the Complaint of similar title filed in this Court, by and through the undersigned counsel, and files the attached Declaration of Taking (Doc. 2-1). The property interest taken in this action is an easement and right-of-way described in Attachment 2 (Doc. 2-2). A map showing the location of the easement and right-of-way taken is attached as Attachment 3 (Doc. 2-3).

This 12th day of November, 2020.

Respectfully submitted,

*s/Michael V. Bernier*

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Michael V. Bernier (MS BAR 103960)  
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## TRACT NO. PTFLO-21

A permanent easement and right-of-way, consisting of the perpetual right to enter and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with sufficient wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, including guy wires, in, on, over, and across said right-of-way, together with the perpetual right to clear said right-of-way and keep the same clear of structures (including but not limited to flagpoles, solar panels, buildings, signboards, billboards), trees, brush, stored personal property, and fire hazards, to destroy or otherwise dispose of such trees and brush; to prevent the drilling or sinking of wells within the right-of-way; and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within five feet of any transmission line structure or conductor located thereon, the Tennessee Valley Authority to remain liable for any direct physical damage to the land and annual growing crops resulting directly from the operations of the construction and maintenance forces of its agents and employees in the erection and maintenance of or in exercising a right of ingress and egress to said transmission line structures, all upon, under, over, and across the following-described land:

TRACT NO. PTFLO-21

A strip of land located in Section 10, Township 6 North, Range 3 East, Rankin County, State of Mississippi, as shown on a map entitled "Philadelphia – Langford Transmission Line," drawing LW-7728, sheet P28B, R.3, a reduced scale copy of which is attached to the Declaration of Taking filed herein, the said strip being more particularly described as follows:

Beginning at a 1/2 inch rebar with cap at the northwest corner of Shumaker, LLC, a Mississippi LLC, being 3.32 feet left of survey station 130+50.48 thence S. 0° 05' 03" E., 46.68 feet to a point; thence N. 89° 35' 05" W., 58.70 feet to a point; thence S. 0° 47' 28" E., 1,090.58 feet to a point in the northerly right-of-way of Mississippi State Highway 25; thence along said right-of-way S. 58° 29' 32" W., 574.85 feet to a point; thence continuing along the right-of-way S. 61° 18' 14" W., 336.26 feet to a monument 14.19 feet left of survey station 151+65.32; thence along a curve to the left having a radius of 6,422.37 feet, an arc length of 664.18 feet and a chord bearing and distance of S. 55° 17' 16" W., 663.89 feet to a point; thence leaving the right-of-way of Mississippi State Highway 25, S. 58° 22' 47" W., 18.41 feet to a point in the westerly line of the southeast 1/4 of Section 10; thence along the said 1/4 section line North 117.43 feet to a point; thence N. 58° 22' 47" E., 1,463.20 feet to a point; thence N. 0° 47' 28" W., 1,156.34 feet to a point; thence S. 89° 35' 05" E., 88.43 feet to a point; thence S. 0° 20' 35" E., 54.01 feet to a point; thence N. 89° 52' 00" E., 71.27 feet to the Point of Beginning.

The tract of land above-described includes the centerline of the transmission line location for a net distance of 2694.1 feet and containing 5.45 acres, more or less.

The permanent easement rights include the perpetual right to install, maintain, and replace guy wires and necessary appurtenances outside the right-of-way for the transmission line structure located at survey station 142+93.49.

TRACT NO. PTFLO-21

The above-described easement rights are acquired with respect to such appurtenant right, title, and interest as the owner of the above-described land may have in Tract PTFLO-21A, State of Mississippi (State Highway 25), the adjoining road right-of-way as shown on the map referenced above.

The above-described parcel of land is lying mostly in the Southeast 1/4 of Section 10 with part in the Northeast 1/4 of Section 10, Township 6 North, Range 3 East.

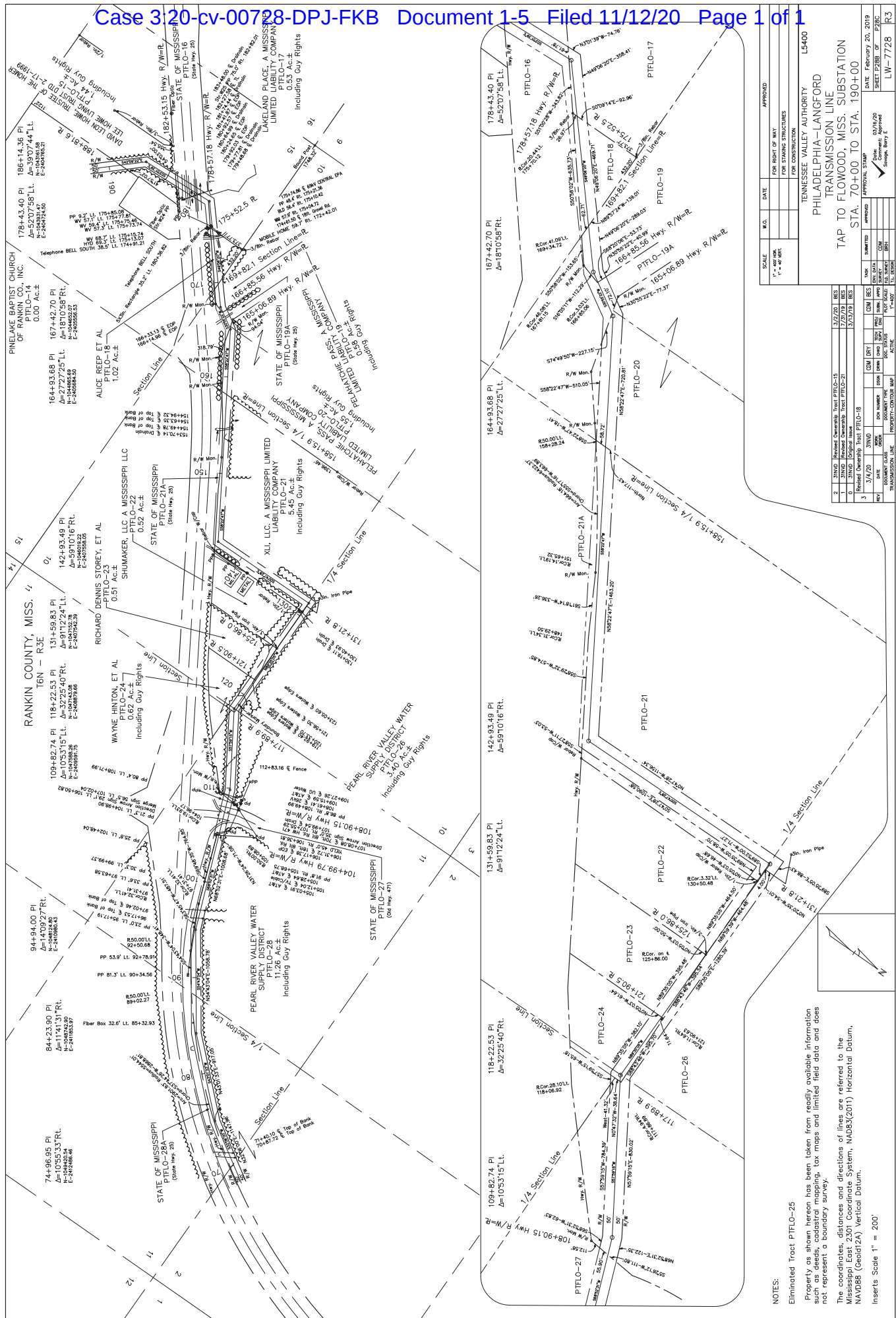
The coordinates, distances and directions of lines are referred to the Mississippi East Coordinate System, NAD83(2011) Horizontal Datum, NAVD88 Vertical Datum.

Record landowner as of the date of the filing of the Declaration of Taking — XLI, LLC, a Mississippi limited liability company (Deed Book 2019, page 6689)

Parcel No. I12 000006 00000  
PPIN 034534

101930065





NOTES:

Eliminated Tract PTFO-25  
Property as shown herein has been taken from readily available information such as deeds, cadastral mapping, tax maps and limited field data and does not represent a boundary survey.

The coordinates, distances and directions of lines are referred to the Mississippi East 2301 Coordinate System, NAD83(2011) Horizontal Datum, NAD83 (Geoid12A) Vertical Datum.

Inserts Scale 1" = 200'

LW-7728/2019 AUTOCAD 2010  
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ATTACHMENT 2

SCALE: 1" = 40' HORIZ.  
1" = 80' VERT.

DATE: 2/20/2019

APPROVED: [Signature]

FOR RIGHT OF WAY  
FOR STANDING STRUCTURES  
FOR CONSTRUCTION

PHILADELPHIA - LANGFORD  
TRANSMISSION LINE  
TAP TO FLOWOOD, MISS. SUBSTATION  
STA. 70+00 TO STA. 190+00

DATE: February 20, 2019

SHEET 228B OF 228C

LW-7728

NO.	DATE	BY	CHKD	APPD	DESCRIPTION
1	3/2/20	BS			3/2/20
2	3/2/20	BS			3/2/20
3	3/2/20	BS			3/2/20
4	3/2/20	BS			3/2/20
5	3/2/20	BS			3/2/20
6	3/2/20	BS			3/2/20
7	3/2/20	BS			3/2/20
8	3/2/20	BS			3/2/20
9	3/2/20	BS			3/2/20
10	3/2/20	BS			3/2/20
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12	3/2/20	BS			3/2/20
13	3/2/20	BS			3/2/20
14	3/2/20	BS			3/2/20
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97	3/2/20	BS			3/2/20
98	3/2/20	BS			3/2/20
99	3/2/20	BS			3/2/20
100	3/2/20	BS			3/2/20

CAD SYSTEM ORIGINAL DO NOT CHANGE MANUALLY  
THE APPROVAL STAMP IS THE REPRESENTATION OF THE ORIGINAL DRAWING

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MISSISSIPPI, and  
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a Mississippi limited liability company,  
COPIAH BANK,  
DAVID RINGER, trustee,  
Defendants.

**NOTICE OF CONDEMNATION**

TO: XLI, LLC, a Mississippi limited liability company, c/o Robert Luckett, Jr., Esq.,  
(registered agent for service of process), 10 Lakeland Circle, Jackson,  
Mississippi 39216  
Copiah Bank, Flowood Office, 437 Katherine Drive, Flowood, Mississippi 39232  
David Ringer, P.O. Box 737, Florence, Mississippi 39073

Pursuant to Federal Rule of Civil Procedure 71.1(d)(2), you are hereby notified that the Plaintiff has commenced the above-entitled action in the United States District Court for the Southern District of Mississippi to condemn an easement and right-of-way on and over land in which you have or claim an interest. Said land and the interest taken therein is described in Attachment 1 which is attached hereto and made a part hereof.

The authority for the taking is the Tennessee Valley Authority Act of 1933, *as amended*, 16 U.S.C. §§ 831 et seq.

You are further notified that if you desire to present any objection or defense to the taking of the property described in Attachment 1, you are required to file your answer with the Clerk of the Court and to serve it on the Plaintiff's attorney within 21 days after service of this notice upon you. Your answer shall identify the property in which you claim to have an interest, state the nature and extent of the interest you claim, and state all of your objections and defenses to the taking. Your failure to file and serve an answer constitutes a consent to the taking and to the jurisdiction of the Court to proceed to hear the action and to fix the compensation.

If you have no objection or defense to the taking of this property you may instead file with the Clerk of the Court and serve on the Plaintiff's attorneys a notice of appearance designating the property in which you claim to be interested. Thereafter you will receive notice of all proceedings in this action affecting the property. In the event of a trial of the issue of just compensation, whether or not you have previously appeared or answered, you may present evidence as to the amount of the compensation to be paid for your property, and you may share in the distribution of the award.

Federal Rule of Civil Procedure 71.1(d)(2)(B) requires that an address be provided within the district in which this action is brought where the Plaintiff's attorneys may be served. Such an address is James S. Chase, Attorney, Tennessee Valley Authority, c/o Joshua L. Wooten Manager, Customer Service Center, Tennessee Valley Authority, 3197 Brooks Road, Belden, Mississippi 38826. However, Plaintiff prefers that service be made by mail addressed to James S. Chase, Attorney, Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902-1401.

Respectfully submitted,

*s/Michael V. Bernier*

---

Michael V. Bernier (MS BAR 103960)  
James S. Chase (TN BPR #020578)  
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400 West Summit Hill Drive  
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